

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, DC

In the Matter of:

GREATER ORLANDO
AVIATION AUTHORITY

Respondent

Docket No. FAA-2018-0659

Case No. 2017SO190044

**ORLANDO INTERNATIONAL AIRPORT (MCO) OPERATED AND MANAGED BY
THE GREATER ORLANDO AIRPORT AUTHORITY'S UNOPPOSED MOTION TO
STAY TIME TO FILE ATTORNEYS' FEES AND COST PETITION UNDER THE
EQUAL ACCESS TO JUSTICE ACT ("EAJA"), 28 U.S.C. § 2412(d)(1)**

Orlando International Airport (MCO) Operated and Managed by The Greater Orlando Aviation Authority (hereinafter "GOAA"), by counsel, hereby files its Unopposed Motion To Stay Deadline To File Attorneys' Fees and Cost Petition Under The Equal Access To Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1), and states the following:

The Greater Orlando Aviation Authority (hereinafter "GOAA"), intends on requesting this Court to award GOAA, as the prevailing party, its reasonable attorneys' fees and costs of litigation pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1). On April 1, 2021, the Court entered an Order Denying the FAA's Motion for Summary Judgment and Setting Deadlines for Supplemental Filings. On August 18, 2021 the Court entered an Order granting Summary Judgment in favor of GOAA. GOAA'S motion/application for attorneys' fees and expenses would be due on September 17, 2021, but for the FAA'S Notice of Appeal filed on August 30, 2021.

Pursuant to 14 C.F.R. 14.20 “[a]n application may be filed whenever the applicant has prevailed in the proceeding, but in no case later than 30 days after the FAA Decisionmaker's final disposition of the proceeding.” *See id.* Additionally, “if review or reconsideration is sought or taken of a decision to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.” *Id.* 14 C.F.R. 14.20 appears to suggest that the 30 day deadline is stayed until the FAA’s appeal is ruled upon. However, in an abundance of caution, GOAA is filing this Motion requesting a stay until 30 days after a ruling on the FAA’s appeal, if appropriate. GOAA has conferred with Brett Weingold on behalf of the FAA, and the FAA does not oppose GOAA’s stay request.

CONCLUSION

Pursuant to 14 C.F.R. 14.20, GOAA is requesting an order staying any deadline for GOAA to file a motion/application under 28 U.S.C. § 2412(d)(1) until 30 days after a final order is issued on the FAA appeal.

DATED: September 17, 2021

Respectfully submitted,

NELSON MULLINS RILEY &
SCARBOROUGH, LLP

By: /s/ Nicolette C. Vilmos
Nicolette C. Vilmos (0469051)
390 North Orange Avenue, Suite 1400
Orlando, FL 32801
Telephone: 407.839.4200
Facsimile: 407.425.8377

Attorneys for GREATER ORLANDO
AVIATION AUTHORITY

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Unopposed Motion To Stay Deadline To File Attorneys' Fees and Cost Petition Under The Equal Access To Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1) on September 17, 2021, has been dispatched this date by Federal Express to:

Original and One Copy

Hearing Docket
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591
Attn: Hearing Docket Clerk, AGC-430
Wilbur Wright Building – Suite 2W10000
And, via email: 9-AGC-FAA-HearingDocket@faa.gov

One Copy:

Honorable J.E. Sullivan, *Administrative Law Judge*
Office of Hearings, M-20
U.S. Department of Transportation
1200 New Jersey Ave., S.E. (W58-222)
Washington, D.C. 20590
And, via email: m20.HrgDocs@dot.gov

I also certify that the foregoing has been sent to FAA counsel, by electronic mail delivery and/or U.S. Mail to:

Brett D. Weingold, Esq.
Attorney, FAA Office of the Chief Counsel
Enforcement Division, AGC-300
800 Independence Ave., SW, Room 917-N
Washington, DC 20591
Email: Brett.Weingold@faa.gov

NELSON MULLINS RILEY &
SCARBOROUGH, LLP

/s/ Nicolette C. Vilmos
Nicolette Corso Vilmos (0469051)